

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**SHIRLEY BRADFORD,**  
**Plaintiff/Counter-Defendant,**

**v.**

**FEDERAL NATIONAL MORTGAGE  
ASSOCIATION AND SETERUS, INC.,**  
**Defendants/Counter-Plaintiffs.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No.4:15-cv-2162**

**DEFENDANTS' REQUEST FOR CLERK'S ENTRY OF DEFAULT AS TO PLAINTIFF**

Defendants/Counter-Plaintiffs Federal National Mortgage Association and Seterus, Inc. (together as "Defendants"), by and through their undersigned counsel, on behalf of themselves and their successors and assigns in interest, hereby file this Request for Clerk's Entry of Default as to Plaintiff, and state as follows:

1. Plaintiff filed her Original Petition against Defendants on May 28, 2015, in the 333<sup>rd</sup> Judicial District Court of Harris County, Texas, Cause No. 2015-30624.
2. Defendants filed their Notice of Removal to Federal Court on July 28, 2015. (ECF Document No. 1.)
3. Defendants filed their Original Counterclaim on July 28, 2015. (ECF Document No. 3.) and served said counterclaim on counsel for Plaintiff by ECF notification on the same date.
4. Plaintiff's answer or other response to the Original Counterclaim was due on or before August 11, 2015. FED. R. CIV. P. 12(a)(1)(A)(i).
5. Plaintiff has not answered or filed any response to the Counterclaim.

6. The court clerk may enter default against a party who has not filed a responsive pleading or otherwise defended a suit. FED. R. CIV. P. 55(a); *N.Y. Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5<sup>th</sup> Cir. 1996).

7. Defendants requests the clerk enter default against Plaintiff because she did not file a responsive pleading within 14 days after service of the Original Counterclaim. *See* FED. R. CIV. P. 12(a)(1)(A)(i). Plaintiff has not otherwise attempted to defend against the Original Counterclaim. *See* FED. R. CIV. P. 55.

8. Defendants meet the requirements for obtaining an entry of default from the clerk as demonstrated by the Declaration of Philip W. Danaher attached hereto as Exhibit A and incorporated by reference for all purposes.

9. Plaintiff Shirley Bradford is not on active duty military status. *See* Exhibit A-1.

10. Defendants are entitled to an entry of default as to Plaintiff because she did not answer or otherwise defend the Original Counterclaim.

**WHEREFORE, PREMISES CONSIDERED,** Defendants pray that clerk enter a default as to Plaintiff Shirley Bradford on their claims, and grant it such other and further relief to which it may be justly entitled.

Respectfully submitted,

By: /s/ Philip W. Danaher  
**MARK D. CRONENWETT**  
Texas Bar No. 00787303  
[mcronenwett@mwzmlaw.com](mailto:mcronenwett@mwzmlaw.com)

**PHILIP W. DANAHER**  
Texas Bar No. 24078395  
[pdanaher@mwzmlaw.com](mailto:pdanaher@mwzmlaw.com)

**MACKIE WOLF ZIENTZ & MANN, P. C.**  
14160 North Dallas Parkway, Suite 900  
Dallas, TX 75254  
Telephone: (214) 635-2650  
Facsimile: (214) 635-2686

*Attorneys for Defendants / Counter-Plaintiffs*

**CERTIFICATE OF SERVICE**

I do hereby certify that I have caused a copy of the foregoing to be delivered to the following via ECF notification on this the 14<sup>th</sup> day of January, 2016.

Ray L. Shackelford  
Texas Bar No. 18071500  
1406 Southmore Blvd.  
Houston, TX 77004

/s/ Philip W. Danaher  
**PHILIP W. DANAHER**